IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL WRIT PETITION NO.5012 OF 1989

Smt.Aruna Bhagwan Ramchandani — Petitioners
Vs.
Education Board Mulund Colony
and anr. — Respondents

Mr.S.A.Ghaisas with Mr.D.K.Ghaisas for petitioners.
Mr.S.R.Gupta h/f. Mr.G.S.Bhatt for Resp.No.1.

CORAM: B.H.MARLAPALLE & D.B.BHOSALE,JJ.
March 13, 2006.

P.C.

. The petitioner had filed Appeal No.GEN/65/BOM/87 of 1988 under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 challenging the notice dated 28th March 1988 issued under Rule 26(1)(i) and 26(1)(ii) of the MEPS Rules, 1981. The issue was regarding seniority and it was conceded by the learned counsel for the petitioner before the lower Appellate Court that the petitioner continued to be on the establishment of the concerned High School i.e. Jay Bharat High School. The Tribunal held that the subject matter of the appeal did not fall within the ambit of Section 9 of the MEPS Act and, therefore, the appeal was not maintainable. Consequently the appeal came to be dismissed by the judgment and order dated 28/11/1988.

. Looking at the date of birth of the petitioner, she has already attained the age of superannuation during the pendency of this petition and this Court has in a catena of decisions held that the issue of seniority can be adjudicated upon by the Education Officer concerned and it does not fall within the ambit of Section 9 of the MEPS Act for filing an appeal. In any case, nothing further survives in this petition with the passage of time and, therefore, the same is hereby dismissed. Rule discharged. No costs.

(D.B.BHOSALE,J.) (B.H.MARLAPALLE,J.)